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DOCKET NO.: UPN-3904

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cameron J. Koch, et al.

Serial No.: 09/648,306 **Group Art Unit: 1626**

Filing Date: August 25, 2000 **Examiner: S. Wright**

For: DETECTION OF HYPOXIA

DATE OF DEPOSIT: May 7, 2001

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Maureen S. Gibbons

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REGISTRATION NO.: 44,121

Assistant Commissioner for Patents
Washington DC 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:

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☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:

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☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☒ In view of the voluminous nature of reference **BE**, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C.§120 have been made in the instant application:

☒ Copies of references **AA-AY and DM-DY** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **08/286,065**, filed **August 4, 1994**; copies of references **AZ-BA and DZ** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **08/598,752**, filed **February 8, 1996**; copies of references **BB-BD, BF-DL and EA-EB** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **09/123,300** filed **July 28, 1998**.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

There are no listed references which are not in the English language.

Date: May 7, 2001

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Form PTO-1449 Modified	Docket No. **UPN-3904**	Serial No. **09/648,306**
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)	Applicant **Cameron J. Koch et al.**	
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	AA	Adams, "Hypoxia-Mediated Drugs for Radiation and Chemotherapy", *Cancer*, **1981**, *48*, 696-707
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	AL	Taylor et al., "Differences in the Toxicity and Metabolism of the 2-Nitroimidazole Misonidazole (Ro-07-0582) in HeLa and Chinese Hamster Ovary Cells", *Cancer Res.*, **1978**, *38*, 2745-2752
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	BC	Tewson, T.J., "Synthesis of [^{18}F] Fluoroetanidazole: a potential new tracer for imaging hypoxia", *Nucl. Med. Biol.,* **1997,** *24(8),* 755-760
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	BG	Brizel, D.M. et al., "Tissue oxygenation predicts for the likelihood of distant metastases in human soft tissue sarcoma", *Cancer Res.*,**1996**, *56*, 941-943

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* A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examiner.

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	BJ	Brown, J.M. et al., " SR-2508: a 2-nitroimidazole amide which should be superior to misonidazole as a radiosensitizer for clinical use", *Int. J. Radiat. Oncol. Biol. Phys.*, **1981**, *7*, 695-703
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	BL	Chapman, J.D. et al., "Characteristics of the metabolism-induced binding of misonidazole to hypoxic mammalian cells", *Cancer Res.*, **1983**, *45*, 1523-1528
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	BS	Evans, S.M. et al., "Evaluation of the concept of "hypoxic fraction" as a descriptor of tumor oxygenation status", Adv. Exptl. Biol. Med., In Press, **1995**
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	BU	Evans, S.M. et al., "Radiation response and other characteristics of the 9L rat glioma grown as an epigastric tissue isolate", Radiat. Oncol. Invest., **1994**, *2*, 134-143
	BV	Evans, S.M. et al., "Imaging hypoxia in diseased tissues", Adv. Exptl. Biol. Med., In Press, **1996**
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	BY	Franko, A.J. et al., "Binding of misonidazole to V79 spheroids and fragments of Dunning rat prostate and human colon carcinoma in vitro: diffusion of oxygen and reactive metabolites", *Int. J. Radiat. Oncol. Biol. Phys.*, **1984**, *10*, 1333-1337
	BZ	Garrecht, B.M. et al., "The labelling of EMT-6 tumors in Balb/c mice with 14C-misonidazole", *Brit. J. Radiol.*, **1983**, *56*, 745-753
	CA	Gatenby, R.A. et al., "Oxygen tension in human tumors: in vivo mapping using CT-guided probes", *Radiol.*, **1985**, *156*, 211-214
	CB	Gatenby, R.A. et al., "Oxygen distribution in squamous cell carcinoma metastases and its relationship to outcome of therapy", *Int. J. Radiat. Oncol. Biol. Phys.*, **1988**, *14*, 831-838

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	CD	Hirst, D.G. et al., "Changes in misonidazole binding with hypoxic fraction in mouse tumors", *Int. J. Radiat. Biol. Oncol. Phys.*, **1984**, *11*, 1349-1355
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	CF	Hockel, M. et al., "Intratumor pO2 predicts survival in advanced cancer of the uterine cervix", *Radiotherapy and* **Oncology,1993**, *26*, 45-50
	CG	Hodgkiss, R.J. et al., "Flow cytometric evaluation of hypoxic cells in solid experimental tumours using fluorescence immunodetection", *Br. J. Cancer*, **1991**, *63*, 119-125
	CH	Horsman, M.R. et al., "Relationship between radiobiological hypoxia and direct estimates of tumour oxygenation in a mouse tumour model", *Radiother. Oncol.*, **1993**, *28*, 69-71
	CI	Horsman, M.R., "Lack of correlation with eppendorf", **1996**
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	CM	Koch, C.J. et al., Imaging hypoxia and blood flow in normal tissues", Adv. Exptl. Biol. Med., In Press, **1996**
	CO	Koch, C.J. et al., "Detection of hypoxic cells by monoclonal antibody recognizing 2-nitroimidazole adducts." United States Patent, Continuation In Part, Submitted **1996**
	CP	Koch, C.J. et al.,"Comment on the Hypothesis that Hyperthermia Facilitates Reoxygenation." Int. J. Hyperthermia, **1995**, *11*, 447-450
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	CS	Matthews, J. et al., "Immunocytochemical labelling of aerobic and hypoxic mammalian cells using a platinated derivative of EF5", Brit. J. Cancer, **1996**, *73*, S200-S203
	CT	Nordsmark, M. et al., "Pretreatment oxygenation predicts radiation response in advanced squamous cell carcinoma of the head and neck", *Radioth. and Oncol.*, **1996**, *41*, 31-39
	CU	Nozue, M. et al., "Interlaboratory variation in oxygen tension measurement by Eppendorf "Histograph" and comparison with hypoxic marker", J. Surg. Oncol.,**1997**, *66*, 30-38
	CV	Okunieff, P. et al., "Oxygen tension distributions are sufficient to explain the local response of human breast tumors treated with radiation alone", *Int. J. Radiat. Biol. Oncol. Phys.* **1993**, *26*, 631-636
	CW	Olive, P.L. et al., "Hypoxic fractions measured in murine tumors and normal tissues using the comet assay", *Int. J. Radiat. Oncol. Biol. Phys.*, **1994**, *29*, 487-491

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		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
	CX	Rampling, R. et al., "Direct measurement of pO2 distribution and bioreductive enzymes in human malignant brain tumors", *Int. J. Rad. Onc. Biol. Phys.*, **1994**, *29*, 427-431
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	CZ	Schwentker, A. et al., "A model of wound healing in chronically radiation-damaged rat skin: the effect of hyperbaric oxygen", Int. J. Radiat. Oncol. Biol. Phys., Submitted, **1997**
	DA	Shapiro, I.M. et al., "Chondrocytes in the endochondral growth cartilage are not hypoxic", *Am. J. Physiol.*, **1997**, *272*, cll34-cll43
	DB	Shibamoto, Y. et al., "A phase I study of a hypoxic cell sensitizer KU-2285 in combination with conventional radiotherapy", *Radither. & Oncol.* **1996**, *40*, 55-58
	DC	Siim, B.G. et al., "Tirapazamine-induced cytotoxicity and DNA damage in trasplanted tumors: relationship to tumor hypoxia", *Cancer Res.*, **1997**, *57*, 2922-2928
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	DF	Van Os-Corby, D.J. et al., "Is misonidazole binding to mouse tissues a measure of cellular pO2?", *Biochem. Pharmacol.*, **1987a**, *36*, 3487-3494
	DG	Varghese, A.J. et al., "Hypoxia-dependent reduction of 1-(2-nitro-1-imidazolyl)-3-methoxy-2-propanol by Chinese hamster ovary cells and KHT tumor cells in vitro and in vivo", *Cancer Res.*, **1976**, *36*, 3761-3765

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	DI	Wendling, P. et al., "Heterogeneous oxygenation of rectal carcinomas in humans. A critical parameter for pre-operative irradiation", *Adv. Exp. Med. Biol.*, **1984**, *180*, 293-300
	DJ	Woods, M.R. et al., "Detection of individual hypoxic cells in multicellular spheroids by flow cytometery using the 2-nitroimidazole EF5, and monoclonal antibodies", *Int. J. Radiat. Oncol. Biol. Phys.*, **1996**, *34*, 93-101
	DK	Wouters, B.G. et al., "Cells at intermediate oxygen levels can be more important than the "hypoxic fraction" in determining tumor response to fractionated radiation therapy", *Radiat. Res.*, **1997**, *147*, 541-550
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Examiner Initial		Document No.	Date	Name	Class	Subclass
	DM	3,679,698	07/25/72	Beaman et al.	548	327.5
	DN	4,241,060	12/23/80	Smithen	374	212
	DO	4,816,401	03/28/89	Taupier et al.	435	240.31
	DP	4,977,273	12/1990	Kagiya et al.	548	339
	DQ	5,086,068	02/1992	Raleigh et al.	514	398
	DR	5,030,036	07/09/91	Huff et al.	405	266
	DS	4,371,540	02/01/83	Lee et al.	424	273 R
	DT	4,797,397	01/10/89	Suto et al.	514	212
	DU	4,927,941	05/22/90	Kagiya et al.	548	264.8
	DV	4,977,273	12/90	Kagiya et al.	548	339
	DW	5,086,068	02/92	Raleigh et al.	514	398
	DX	5,304,654	04/19/94	Kagiya et al.	548	327.5
	DY	5,540,908	07/30/96	Koch, et al.	424	934
	DZ	5,843,404	12/01/98	Koch, et al.	424	934
	EA	3,505,349	04/07/70	Beaman, et al.	260	309
	EB	5,721,265	02/24/98	Tracy, et al.	514	396

EXAMINER	**DATE CONSIDERED**